

# Exhibit 2

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANTHONY HERNANDEZ VALADEZ,

Plaintiff,

vs.

JOHNSON & JOHNSON; ALBERTSONS  
COMPANIES, INC., individually  
and as successor-in-interest,  
parent, alter ego and equitable  
trustee LUCKY STORES, INC.;  
LUCKY STORES, INC.; SAFEWAY  
INC.; SAVE MART SUPERMARKETS,  
Individually, and as  
successor-in-interest, parent,  
alter ego and equitable trustee  
Of LUCKY STORES, INC.; TARGET  
CORPORATION; WALMART INC.; and  
FIRST DOE through ONE-HUNDREDTH  
DOE,

Defendants.

**Certified Transcript**

Case No.  
22CV012759

(Pages 1 - 171)

VIDEOTAPED REMOTE DEPOSITION OF

MOHANA ROY, M.D.

THURSDAY, APRIL 27, 2023

Reported by:

PAIGE I. HUTCHINSON, CA CSR No. 13459,  
TX CSR No. 11222, WA CCR No. 3336

SUPERIOR COURT OF THE STATE OF CALIFORNIA

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alter ego and equitable trustee  
Of LUCKY STORES, INC.; TARGET  
CORPORATION; WALMART INC.; and  
FIRST DOE through ONE-HUNDREDTH  
DOE,

Defendants.

VIDEOTAPED DEPOSITION OF MOHANA ROY, M.D.,

taken on behalf of Defendants, remotely via

videoconference, commencing at 1:09 p.m. (PST),

Thursday, April 27, 2023, before Paige I.

Hutchinson, Certified Shorthand Reporter for the

State of California No. 13459, Texas CSR No. 11222,

Washington CCR No. 3336.

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20 (Erroneously sued as ALBERTSONS COMPANIES, INC.,  
21 individually, and as successor-in-interest, parent,  
22 alter ego, and equitable trustee of LUCKY STORES,  
23 INC.); LUCKY STORES (SAVE MART)LLC f/k/a LUCKY  
24 STORES, INC. (Erroneously sued as LUCKY STORES,  
25 INC.); SAFEWAY INC.; SAVE MART SUPERMARKETS LLC  
(erroneously sued as SAVE MART SUPERMARKETS,  
individually, and as successor-in-interest, parent,  
alter ego, and equitable trustee of LUCKY STORES,  
INC.); TARGET CORPORATION; and WALMART INC:

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1 APPEARANCES (Via Videoconference) (continued):

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11 Also Present:

12 Michael Saito, Videographer, Videoconference  
13 Moderator, iDepo Reporters  
14  
15  
16  
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QUESTIONS INSTRUCTED NOT TO ANSWER

(None.)

1 medication?

2 MR. RICHMAN: Just object. It calls for  
3 speculation.

4 THE DEPONENT: Sure. I can be quite  
5 direct. I think that he's really towards the end  
6 of his life. I don't think that there are any  
7 really validated treatments left. I have consulted  
8 with physicians throughout the country about his  
9 case and different treatment options available.  
10 This next chemotherapy that I'm changing to, I do  
11 not have very high hopes for. The hope is  
12 essentially just to prevent additional growth. I  
13 do not anticipate significant shrinkage or benefit  
14 from the next treatment.

15 MR. CHARCHALIS: And just -- sorry,  
16 Michael, just a belated join in the objections.

17 And is it fine if one objection --  
18 objection by one objection is for all?

19 MR. REID: That's fine, yes.

20 BY MR. REID:

21 Q. Okay. Dr. Roy, I'm actually I'm going to  
22 show you and I'm going to mark -- we'll mark it as  
23 Exhibit A, in as in alpha. Let me see if I can get  
24 this open here.

25 (Exhibit A marked.)



1 BY MR. REID:

2 Q. And what this is is a note summary from  
3 your appointment with Mr. Valadez on 4/21.

4 Do you recognize this as such?

5 A. Yes.

6 Q. Okay.

7 Okay. I'm going to scroll us down here to  
8 page 11 of this note summary.

9 And the area I want to direct you to is  
10 this area that I have highlighted. Just for the  
11 moment, follow along with me, make sure I read this  
12 correctly; okay?

13 (Reading): He preferred to not discuss  
14 imaging and would like imaging to be described on a  
15 scale of 1 to 5. We informed we would rank it at  
16 an approximate 4 to 4.5.

17 First, did I read that correctly?

18 A. Yes.

19 Q. Can you elaborate on what you meant there  
20 by the approximate 4 to 4.5 on the 5-scale?

21 A. Sure. I apologize that that's not clear.

22 Mr. Valadez has had a really hard time  
23 discussing any imaging results from the start of  
24 his care. In the middle of his treatment course,  
25 he was able to discuss that a little bit more, but

1 that had declined in the light of bad news, and so  
2 he wanted me to say 1 being good and 5 being kind  
3 of the worst possible thing, where I would rate it  
4 and not go into more details of his imaging.

5 Q. So that 4 to 4 1/2 is towards that worst  
6 possible scenario then; is that right?

7 A. Correct.

8 MR. RICHMAN: Objection. Leading.

9 MR. REID: It's cross-examination,  
10 Counsel.

11 MR. RICHMAN: Also assumes facts.

12 BY MR. REID:

13 Q. I believe that's it from this record here.  
14 I'm going to jump a little bit more here  
15 to one of the previous medical records you were  
16 shown -- actually, a set of medical records that  
17 you were shown that had a reference to construction  
18 work from Mr. Valadez's father.

19 Do you recall that testimony, those  
20 records, generally?

21 A. Yes.

22 Q. Okay. As you sit here today, what is your  
23 understanding of any potential exposure that  
24 Mr. Valadez had from the construction work related  
25 to his father?

1 MR. RICHMAN: Objection. Calls for  
2 speculation.

3 THE DEPONENT: As I sit here today, I do  
4 not have really a detailed understanding of that  
5 exposure because he or -- and his mother were not  
6 able to elaborate on that.

7 BY MR. REID:

8 Q. Okay. From the record, it looks like your  
9 understanding is that any construction work that  
10 his father would have done would have been from the  
11 last couple years.

12 Do I have that right?

13 A. I think I had to correct that in my note.  
14 Initially, I think it was noted for a longer time,  
15 and then they had clarified that it might have been  
16 more recently. That led me to believe that perhaps  
17 it was not as relevant for his care because  
18 traditionally you think about a long latency  
19 between someone having an exposure, let's say, in  
20 their 20s and then developing disease in their  
21 '60s.

22 Q. All right. So for if -- it was a  
23 construction -- well, strike that. Let me  
24 rephrase.

25 Any construction work more recently would

1 have been less relevant for you in terms of  
2 determining what could have increased his risk of  
3 developing this disease then.

4 Do I have that right?

5 A. That's --

6 MR. RICHMAN: Objection. Assumes facts.  
7 It misstates her testimony.

8 (Reporter clarification.)

9 THE DEPONENT: That's right.

10 BY MR. REID:

11 Q. And then in terms of construction work  
12 generally, do you have an understanding of whether  
13 or not asbestos is -- well, strike that. Let me  
14 rephrase this a little bit.

15 Do you have an understanding of whether or  
16 not recent construction work would have even  
17 allowed for an encountering to -- an encounter with  
18 asbestos as compared to construction work that's  
19 documented in the literature from, say, the '60s or  
20 '70s when asbestos was an intentionally added  
21 ingredient?

22 MR. RICHMAN: I'll object that it assumes  
23 facts, it's outside the scope of expertise, and  
24 misstates the literature.

25 THE DEPONENT: I think that's beyond my

1 the transcript via Code.

2 And with that, we are off the record.

3 THE VIDEOGRAPHER: Okay. The time is  
4 4:41 p.m., Pacific Time, and the deposition is  
5 concluded.

6 This is the end of Media 3, and we're off  
7 the record. Thank you so much.

8  
9 (Whereupon, at the hour of  
10 4:41 p.m., the proceedings  
11 were concluded.)

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DECLARATION UNDER PENALTY OF PERJURY

I, MOHANA ROY, M.D., do hereby certify  
under penalty of perjury that I have read the  
foregoing transcript of my deposition taken on  
April 27, 2023; that I have made such corrections  
as appear noted herein in ink, initialed by me;  
that my testimony as contained herein, as  
corrected, is true and correct.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023,  
at \_\_\_\_\_.

\_\_\_\_\_  
MOHANA ROY, M.D.

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )

4 I, PAIGE I. HUTCHINSON, Certified  
5 Court Reporter, Certificate No. 13459, for the  
6 State of California, hereby certify:

7 I am the deposition officer who  
8 Stenographically recorded the foregoing deposition;  
9 Written Notice Pursuant to Code of Civil  
10 Procedure, Section 2025.520, having been sent to  
11 the deponent, the deponent:

- 12 ( ) IN PERSON MADE THE CHANGES SET  
13 FORTH IN THE FOREGOING TRANSCRIPT;  
14 ( ) APPROVED THE TRANSCRIPT BY SIGNING  
15 IT;  
16 ( ) FAILED OR REFUSED TO SIGN THE  
17 TRANSCRIPT BY NOT SIGNING IT;  
18 ( ) BY SIGNED LETTER ATTACHED HERETO,  
19 MADE THE CHANGES SET FORTH THEREIN  
20 AND APPROVED, OR REFUSED TO  
21 APPROVE, THE TRANSCRIPT;  
22 ( ) FAILED TO CONTACT THE DEPOSITION  
23 OFFICER WITHIN THE ALLOTTED TIME  
24 PERIOD.  
25

22 DATED: \_\_\_\_\_

24 \_\_\_\_\_  
25 (DEPOSITION OFFICER)

1 STATE OF CALIFORNIA )  
2 )  
3 COUNTY OF LOS ANGELES )

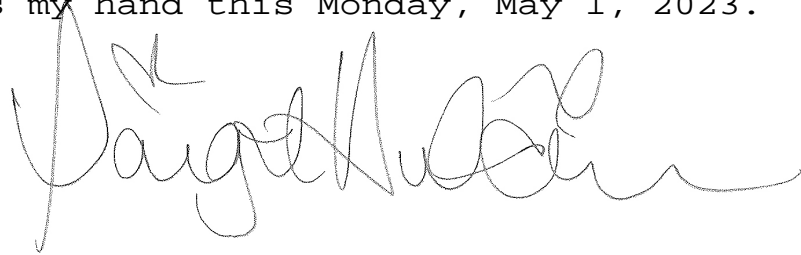
4 I, Paige I. Hutchinson, Certified  
5 Shorthand Reporter, No. 13459, do hereby certify:

6 That prior to being examined, the witness  
7 named in the foregoing deposition was by me duly  
8 sworn to testify to the truth, the whole truth, and  
9 nothing but the truth;

10 That said deposition was taken before me  
11 remotely via videoconference; and thereafter  
12 reduced to print by means of computer-aided  
13 transcription; and the same is a true, correct, and  
14 complete transcript of said proceedings taken at  
15 that time, to the best of my ability.

16 I further certify that I am not interested  
17 in the outcome of the action.

18 Witness my hand this Monday, May 1, 2023.

19   
20  
21

22 PAIGE I. HUTCHINSON,  
23 Certified Shorthand Reporter  
24 in and for the State of California  
25 License No. 13459  
Washington CCR No. 3336  
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CORRECTION LIST

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